

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 1, 2005**

DIVISION THREE

B170110      People                                  (Not for Publication)  
v.  
Luis Antonio Virgen

The judgment is affirmed.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

## DIVISION FOUR

B152959      Boeken      (Certified for Publication)  
v.  
Philip Morris Incorporated

The judgment is affirmed in all respects except the amount of punitive damages. The judgment is modified to reduce the punitive damage award to \$50 million, provided Boeken files a timely consent to such reduction in accordance with rule 24(d), California Rules of Court. If no such consent is filed within the time allowed, the judgment is reversed with regard to the amount of punitive damages only, and remanded for a new trial solely upon that issue. Each side is to bear its own costs on appeal.

Hastings, J.

We concur: Epstein, P.J.  
Curry, J.

## DIVISION EIGHT

April 1, 2005 (Continued)

B170745 People (Not for Publication)  
v.  
Cafagna

The judgment is affirmed.

Cooper, P.J.

We concur: Boland, J.  
Flier, J.